

## **Hector Fonseca Interview Transcript**

### **Examination By Ms. Gillis:**

A. Okay uh . . . today is um . . . Tuesday, November 15. It is 1:30 in the afternoon and this is an interview with Hector Fonseca uh . . . if you could state your name and your title.

Q. Yeah, Hector Fonseca assistance engineer I.T.

A. Okay, and I'm Lynn Gillis I'm assistant director for uh . . . G.A.P.S. Human Resources.

### **Examination By Ms. Butler:**

Q. And Sherry Butler, staff assistant um . . . G.A.P.S. executive director's office.

### **Examination By Ms. Gillis**

Q. Okay, um . . . there's no easy way to do these types of investigations um . . . I just need to ask you some questions um . . . I know you are, you know, fully aware that you have been placed on investigative leave and have been on leave for uh . . . uh . . . I've got the letter in here, but it's been a little bit . . .

A. Sixty days.

Q. Right. Um. . . uh . . . I need to ask you some questions about uh . . . some things that have come up. Um . . . I wanted to start off by just telling you that um . . ., you know, some of the questions I'm going to ask you Hector, they might upset you.

A. Ok.

Q. I don't want to upset you.

A. Umm hmm.

Q. But I have to ask the questions. If you need to take a break, we'll take a break. Um . . . if you uh. . . are uh . . . uncomfortable I understand that but we just need to get through the whole process and answer all of the questions so that we can come to a resolution. Um . . . and the reason that you were placed on on investigative leave is because there was an allegation that you possibly sexually harassed a co-worker.

A. Okay, that's not true.

Q. Okay, um . . . there were also some allegations of uh . . . intimidating a co-worker, retaliating against people; that sort of thing. So I'm going to ask you questions. I've talked to a lot of people and a lot of people have made statements that I have to now get your side of the story. Um . . . first of all I would like to . . . this is the Labor Cabinet's sexual harassment policy. Are you familiar with that policy?

A. Uh . . . I am familiar with it.

1 Q. Okay. And, I have some acknowledgement forms from your personnel file where you  
2 signed that you have taken um . . . at least it appears to be your signature . . . that you have taken  
3 sexual harassment, anti-diversity, anti-discrimination training. Is that your signature?

4 A. Yes.

5 Q. You remember these? Okay, so we'll take that and you can keep that for your records if  
6 you want. Okay, um . . . of course the sexual harassment policy is fairly fairly broad; um . . . it  
7 covers um . . . lots of things it covers, it covers um . . . offensive intimidating comments, um uh  
8 touching people, inappropriate jokes, sexual slurs uh . . . abusive comments about somebody,  
9 indecent gestures, all sorts of things. Uh, so we're going we're going to be talking about you  
10 know . . . that's what this is about. So I'm going to ask you some questions so let's start with the  
11 simple ones. Um . . . if you could repeat for me your name and your job title and what you do;  
12 just a brief description of what you're doing for the Labor Cabinet.

13 A. Yeah, I'm Hector Fonseca with systems engineer I.T. and I'm the share point  
14 administrator, the web administrator, uh . . . I take care of uh . . . servers, customers, and train  
15 people sometimes for share point and other duties as they come.

16 Q. Do you work with all three cabinets?

17 A. I work with all three cab . . . well uh . . . more now than before but uh . . . E.E.C.,  
18 P.P.C., and Labor.

19 Q. Um hmm.

20 A. Those three cabinets yes.

21 Q. Okay. How long have you been with the state? Do you know?

22 A. Uh . . . I'd say nine and a half years.

23 Q. Okay. Are you a supervisor?

24 A. No.

25 Q. Okay. Can you tell me when you started working with [REDACTED]?

26 A. I started December um . . . 2015.

27 Q. Okay. Okay and . . .

28 A. We shared an office at the beginning and I was sent away for training in February. When  
29 I returned uh . . . she would start having visitors from uh . . . Felisha Hubbard and I just started  
30 telling Felisha Hubbard that we were busy. And she asked for to be put in another office and I  
31 think that's what she said had that in combination . . . that she said that I did what I . . . I haven't  
32 done anything. But uh . . . um . . . they were talking and several times outside my office and that  
33 was very un . . . inter . . . disrespectful and when I was talking to customers and that is what I  
34 think she is making this allegation that I did something that I haven't done.

1 Q. Okay. So are you [REDACTED] supervisor?

2 A. No.

3 Q. Okay. But you all the way I understand it, please correct me if I'm wrong, I think some  
4 of your job duties overlap? She did some stuff with sharepoint too?

5 A. We were . . . she was uh . . . hired to help me.

6 Q. Okay.

7 A. And she started strong but um . . . within the month happened she started slacking and  
8 not doing her job and mostly on the phone and doing snapchats and um . . . actually my uh . . .  
9 when I was . . . I write it down. Yeah um . . . yeah she started to not work really. And I was  
10 doing . . .

11 Q. When did that happen?

12 A. After I returned back from uh . . . Texas. Maybe March. Uh . . . a lot of people in that  
13 office don't work; they don't . . . they do whatever they want. A lot of employees they uh . . .  
14 print out stuff for their parents, for (inaudible) churches, they come and go. Starting with Denver  
15 he is uh . . . not working a hundred percent of the time and uh . . . after I came back from Texas I  
16 start feeling that I was being persecuted from him and he was taking . . . start taking my jobs and  
17 assignments away from me and start telling people to call me, I mean, to call him before they  
18 talk to me to . . . for anything that I was . . . that I was doing before.

19 Q. Okay. You felt like he was taking your assignments away?

20 A. Ye . . . well not just assignments but um . . . um . . . just telling people that they needed  
21 to contact him before contact me and . . . I understand he is the boss but uh . . . and I thought he  
22 was kind of . . . he was jealous of me cause uh . . . I think people making jokes like uh . . . you  
23 know uh . . . saying that uh . . . 'ah you . . . we will not call you we will call Hector directly' and  
24 stuff like that and . . .

25 Q. Okay.

26 A. And.

27 Q. So on any allegations that you have of anything else going on in the office I'm going to  
28 give you an opportunity at the end to share that with me if you need to. Um . . . and I don't  
29 know if you do or you don't but I kind of . . . from what you're saying there I'm kind of getting  
30 that impression. But we're . . . we'll . . . let me . . . lets get. . . we're going to get through these uh  
31 . . . these questions and then if you need to share that stuff with me then I need you . . . you know  
32 I need you to at that point. Um . . . tell me about your relationship with [REDACTED] . . . your working  
33 relationship.

34 A. Oh um . . . we worked fine I mean we have no problems uh . . . um . . . nothing at all. I  
35 can imagine no problem that I have was personal that I was having personal problems myself.

1 Q. Okay.

2 A. And but uh . . . and I started having you know uh . . . like uh . . . too much work and had  
3 a new baby and taking care of a lot of things and all of those things just came on in a bad  
4 situation and I just explode on them in a bad day.

5 Q. Okay. So you did have explosions? You did have times where you just had outbursts? Is  
6 that what you're saying?

7 A. I had once.

8 Q. You had one?

9 A. Yeah.

10 Q. Okay.

11 A. Because I couldn't take it (inaudible).

12 Q. So your relationship; your working relationship with [REDACTED] was fine up until?

13 A. It's been fine whole . . . whole time.

14 Q. The whole time?

15 A. The whole time. It was just that day that it was just way too much there.

16 Q. Were you friends?

17 A. Yes.

18 Q. Okay. You viewed her as a friend?

19 A. Yeah, I mean we were uh . . .

20 Q. Okay.

21 A. Go lunch with her daughter and. . . couple times.

22 Q. Okay.

23 A. And then.

24 Q. Have you ever uh . . . made any statements to her that you feel she could've taken the  
25 wrong way?

26 A. No.

27 Q. Um . . . have you ever made any statements to her that would make her think that her job  
28 was in jeopardy?

29 A. Um . . . that one time.

30 Q. What . . . wha . . . tell me about that one time that you're talking about?

1 A. Okay tha . . . tha . . . that . . . when sh . . . um . . . was um . . . September 15, 2016.

2 Q. Umm hmm.

3 A. Um . . . I came to work and I started getting a lot of phone calls for customers trying to  
4 resolve problems and so I start talking on the phone and in several locations uh . . . there were  
5 three employees mostly uh . . . Felisha Hubbard and [REDACTED] that will talk for longer  
6 period of time sometimes more time thirty minutes or more. And I just you know sometimes just  
7 shut my door but that day I just shut my door and they shut their door.

8 Q. Umm hmm.

9 A. And they start laughing and so I thought they were making fun of me.

10 Q. Okay.

11 A. So I went and tell them that . . . that I was talking to customers and they were just uh. . .  
12 talking loud and being loud in there outside my office and she say 'so what?' that's what she  
13 responded back and I'm like 'but you don't understand it's my job my first thing is my priority is  
14 doing my job and you are here procrastination and talking' that was my response back and say  
15 'you know what? If you think this is a joke or something like that uh . . . I don't think its funny  
16 but you know you are a contractor and I can go talk to Denver and tell him that you're just not  
17 doing your job'.

18 Q. Okay. Okay so do you . . . do you remember ever saying things to her like you know  
19 'you can't remember anything; you don't do anything right'?

20 A. No, no I ne . . . I always tell her to um . . . to try to read more and I actually send  
21 everybody you know more . . . more stuff for training so take advantage of learning more stuff.

22 Q. Okay.

23 A. You know?

24 Q. Okay. So if you if you saw that she was doing something wrong how did you typically  
25 handle it?

26 A. I ignore it. I mean you seen my office I put all the block of uh . . . monitors in between  
27 me and her . . .

28 Q. Umm hmm.

29 A. . . . because I didn't want to see her that she is texting or snapchatting or doing  
30 homework while at work and I'm in my off . . . I'm in my oth . . . in the other side just doing my  
31 work. And . . .

32 Q. Back to your . . . back to your comment about telling her that she was a contractor what  
33 was your inte . . . what did you mean by that?

34 A. That she . . . that she can put herself in trouble by not doing her job.

1 Q. Okay.

2 A. She going to get, be fired for not working.

3 Q. Okay. Have you ever uh . . . told her not to socialize with Felicia?

4 A. No. (inaudible)

5 Q. Or nature preserves?

6 A. No.

7 Q. Did you monitor her breaks?

8 A. No. Well I don't monitor her breaks I monitor everybody's breaks. Because . . .

9 Q. Well what do you mean you monitor everybody's breaks?

10 A. I didn't monitor breaks, I monitor people procrastinating because uh . . . at some point

11 Denver sent me an email, uh not an email, he . . . uh . . . yeah he send me an email saying 'where

12 were you' I'm like 'where was I? I was helping GAPS and after that he just started uh . . .telling

13 me that I have to tell him every place that I go and I was like 'fine' so I start taking uh . . .

14 snapshots of uh . . .everybody's not doing their job cause I was going to talk to HR. Actually I

15 went once to try to talk to someone and then I . . .

16 Q. Who was you going to talk to in HR?

17 A. Uh . . . you. But you were not available.

18 Q. Okay.

19 A. And I talked to um . . . Leslie Tindale but it was not on record I was just having some

20 moment that I was having some issues with uh . . . Denver.

21 Q. Okay. Um . . . do you remember . . . did you . . . did you say to her about that episode

22 that happened with the slamming doors and you going and talking to her and Felisha did you . . .

23 did you tell her you were going to call Rob Thorn?

24 A. No, I told Denver.

25 Q. You told Denver that?

26 A. Yes.

27 Q. Okay. You say you've been monitoring people uh . . . that are procrastinating. Wha . . .

28 how do you . . . how did you do that?

29 A. Um . . . I use link.

30 Q. You were using link?

31 A. Umm hmm.

1 Q. Like how . . . like how . . . you'll have to help me out a little bit.

2 A. Screen shots of link.

3 Q. Screen shots?

4 A. When people go away and they start talking and just not doing their work I just put a  
5 screen shot on my computer.

6 Q. Alright so isn't link like . . .

7 A. It tells you how long have you been away from your . . .desk.

8 Q. From your desk? Okay. So um . . . help me understand if I'm logged into link and I'm  
9 chatting with Sherry over something?

10 A. No.

11 Q. I'm not sure what you're saying so you have to help me out.

12 A. No, no, no. So when you are . . .when you are on link you have link open right?

13 Q. Umm hmm.

14 A. It tells . . . it tells everyone you have been away for fifteen minutes; that's all.

15 Q. But it doesn't mean you're not working it just means you're not working on the  
16 computer?

17 A. Yeah. But also I mean . . . yeah it . . . that's not going to be a way to prove it when  
18 because I . . . it was just for me to have to start doing that and then I was going to take pictures.

19 Q. So you I guess . . .

20 A. And record videos.

21 Q. I guess . . . I guess with your um. . . I mean because you have different I.T. . . . you know  
22 obviously I'm sure you have more I.T. um . . . access than the normal employee does because of  
23 what you do. How do . . . how does . . . how does that work? How are you able to . . . like look at  
24 somebody's comp . . . how can you tell like if somebody like Denver wasn't at his office? How  
25 can you tell that he's not been on his computer for so long?

26 A. Small office. You just hear people. That . . .the . . .the walls in there start . . . are barely .  
27 ..

28 Q. But . . . but you . . .

29 A. Okay?

30 Q. But you said you were doing it on link? That's the part I'm confused on?

31 A. Right. After I hear start people talking I just go in and start looking at the uh . . .uh . . .  
32 just at the computer and my desktop it just shows . . . it shows uh . . . you know all the . . .

1 pictures of . . . well not pictures but you have employees and then it tells you you've been away  
2 for fifteen minutes away and thirty minutes away. You know?

3 Q. Okay.

4 A. Sixty minutes or two hours.

5 **Questioning By Sherry Butler:**

6 Q. Does your whole office use link?

7 A. Yes.

8 Q. Does everybody in the office use link?

9 A. Yeah.

10 Q. Okay. I mean I know some people here do. I use it but not everybody in here . . .

11 **Examination By Lynn Gillis:**

12 Q. Right

13 **Examination By Sherry Butler:**

14 Q. . . .uses link.

15 **Examination By Lynn Gillis:**

16 Q. Right. So these are people you've probably already had a link conversation with and the  
17 chat is still open? Or do you have the ability to see . . .

18 A. We are not chatting on it; nothing. We're not even talking. This is just uh . . . just like  
19 um . . . I don't know if you ever use (inaudible) or messengers or whatever . . .

20 Q. Umm hmm.

21 A. . . .but uh . . . when you are on link you have something open . . .

22 Q. Oh!

23 A. . . .and it just show you that you are . . . you are . . .

24 Q. I'm with you now . . . I'm with you now.

25 A. . . .there.

26 Q. I'm sorry. I . . .

27 A. If you stopped using your computer it start showing you are away.

28 Q. Like if you looked at my link you would see that I've been away for months . . .

29 A. For fifteen minutes now.



1 Q. . . .because . . .well months because I don't usually sit . . .

2 A. Oh prob . . . yes, yes.

3 Q. I know what you're talking about now.

4 A. Yes. I'm not opening nobody's records or reading anybody's conversation.

5 Q. I know what you were saying. I didn't . . . I didn't understand what you were saying.

6 Thank you. I didn't . . . I didn't understand it.

7 A. Well thank you for . . .

8 Q. So let me . . . let me . . . let me ask you this though. You know . . . based on what she . . .

9 what she . . .sh sh she has said that you have . . . you have basically told her is that she is pretty

10 much stupid and that uh . . . she doesn't know how to do anything right uh . . . that she's a

11 contractor. . .

12 A. I did not say that. I only said that uh . . . she is a contractor and she could lose her job. . .

13 Q. If you . . .

14 A. . . for not doing

15 Q. Right. But if . . .but if those things were said in that context you would . . . would you

16 agree that that's inappropriate to say something like that to someone?

17 A. Yes. (inaudible) Absolutely.

18 Q. Okay. Have you ever said anything to [REDACTED] that um . . . she could construe as sexually

19 inappropriate?

20 A. No.

21 Q. Why do you think that she would say that you have?

22 A. Probably because she was in the position where she can lose her job if I talked to Rob

23 Thorn.

24 Q. Okay.

25 A. If I go and tell him that she's . . . she's not helping me she's not helping E.E.C. or P.P.C.

26 then she prob . . .she probably could lose her job.

27 Q. Okay.

28 A. She's just protecting herself. Saying something like that it just put me on the spot.

29 Q. Have you ever shown anybody . . . any of your co-corkers anything inappropriate? Any,

30 any uh . . .image on your phone . . . your cell phone that was inappropriate?

31 A. No.

1 Q. According to [REDACTED] she says you showed her a video of a very provocative dance. Do you  
2 know what she is talking about?

3 A. No . . . not that I can remember. We shows a lot of uh . . . snapchats and that's . . .

4 Q. Pictures of females in various levels of undress?

5 A. Not um . . . not . . . that I remember.

6 Q. Okay. Well again why do you think that she would say that you did that?

7 A. Probably because we were friends and we were sharing snap chats but not . . . in . . .  
8 sexual ways.

9 Q. So what kind of snap chats did you share?

10 A. No, no she shared with me snap chats I did not share with her.

11 Q. Well what kind of snap chats did she share you?

12 A. Oh just her daughter being dumb. I mean not dumb like . . .

13 Q. Yeah. Being silly?

14 A. Silly.

15 Q. Yeah.

16 A. Yeah.

17 Q. Okay. Do you recall ever showing any pictures of Chip . . . of a naked woman to Chip on  
18 your cell phone?

19 A. No.

20 Q. Chip did recall that you had done that at . . . I believe it was at a meeting? Is that correct  
21 Sherry do you remember that? Or was it at uh . . .

22 **Examination By Ms. Butler:**

23 Q. I don't remember where.

24 **Examination By Ms. Gillis:**

25 Q. . . . a meeting. Do you recall that?

26 A. No.

27 Q. Do you think . . . why do you think that he would recall that?

28 A. I don't know why he is saying that?

29 Q. Pardon?

1 A. I don't, I'm not sure why he is saying that?

2 Q. Okay. Do you agree that showing somebody such pictures would be a violation of that  
3 policy?

4 A. Yes.

5 Q. Um . . . this next question I'm going to ask you and I . . . and I just . . . I mean . . . I can't  
6 soften this . . . I'm just going to . . . I'm going to ask you uh . . . this question. Have you ever  
7 exposed yourself to [REDACTED]

8 A. No.

9 Q. Why do you think she would say something like that?

10 A. Because she is threatened that she is going to lose her job.

11 Q. Okay.

12 A. She will say whatever she wants to say in order to keep her from being employee and not  
13 losing her job.

14 Q. And so she does not work for the state she's a contractor so if she were removed from  
15 your job, the job there at Teton, she'd be assigned to another job.

16 A. Right.

17 Q. So she wouldn't really lose her job.

18 A. Well yeah but her job there.

19 Q. Okay.

20 A. Yeah. She's a contractor and I understand but uh . . . I mean I know she started strong  
21 and then started slacking I mean its like why would we need her if we can hire somebody else  
22 that could help me doing my job?

23 Q. Do you ever remember saying anything to her like 'if you show me mine I'll show you  
24 yours'?

25 A. No.

26 Q. Um . . . she recalls an incident in early spring, late in the day, that you shut the door and  
27 locked it and exposed yourself and took her hand and placed it on you. Do you remember?

28 A. No, I did not do that.

29 Q. Okay.

30 A. That I have camera's in there and I don't . . .

31 Q. Okay we'll talk . . . we're going to talk about the cameras in a minute. Um . . . cause we  
32 already talked about it a little bit but on September 14 or 15 I . . . for . . . I . . .

1 A. Fifteenth.

2 Q. It was the fifteenth as you recall when this happened?

3 A. Yeah. It was the day before I got removed.

4 Q. Okay. Uh . . . there was uh . . . there was uh . . . I don't know if altercation is the right  
5 word. There was an incident between you and [REDACTED] and Felicia. You recall that?

6 A. Yes.

7 Q. Okay. This is the day that um . . . was right before the day that you went out on leave.  
8 Um . . . I . . . I have [REDACTED] version of what happened I would just like you to recount from  
9 beginning of the incident to the end of the incident how you recall it?

10 **Examination by Ms Butler:**

11 Q. Before you um . . . say that is . . . are you . . . is this the same day that you're referring  
12 to? Is the one day that you said that you got overwhelmed and you closed your door?

13 A. Yes.

14 Q. Okay I just wanted to make sure we're talking about the same day.

15 A. Yes.

16 Q. I'm sorry go ahead.

17 A. Um . . .

18 **Examination by Ms. Gillis:**

19 Q. And if you have notes of your documentation I would like to make a copy of those if  
20 that's possible.

21 A. I don't it is just . . . this is just a something that I started writing for a lawyer. But I . . . I  
22 didn't even know what going to . . . what I was accused of.

23 Q. Okay

24 A. I didn't know if it was Denver or if it was [REDACTED] or what so that's why I didn't . . .

25 Q. Okay

26 A. . . . never appeal. But um . . . I don't have what I . . . what happened that day uh . . . okay  
27 yeah uh . . . it says Friday September 16 but it was uh . . . Thursday September 15. And um . . . I  
28 was . . . I was talking to customers.

29 Q. Umm hmm.

30 A. Okay? And I was uh . . . and I start hearing uh . . . [REDACTED] and Felisha talking and laughing  
31 and I get disturbed because I'm talking to a customer and I can't help so I shut my door.

1 Q. Okay.

2 A. And they shut their door and keep laughing and being more uh . . . loud and I didn't  
3 think it was . . . that was funny. So um . . . I went and just tell them that wasn't nice to do that . . .  
4 that was something that they shouldn't be doing. And then I . . . and then say . . . and then she  
5 say 'so what?' I'm like . . . and then I say 'well you know have been uh . . . talking for more than  
6 half an hour and you've been doing this for several times now' so I told her that she could lose  
7 her job if she . . . if this happens enough I talk to Denver.

8 Q. Okay.

9 A. And then I just left and I went talked to Denver.

10 Q. Okay. Tell me about what happened when . . . what . . . what . . . how did it go between  
11 you and Denver? Who all was there when you talked to Denver?

12 A. Chip was there.

13 Q. Okay.

14 A. Yeah I told uh . . . Denver to do his job because I was just upset at that moment and . . .  
15 so I told him that uh . . . if he didn't do his job I was going to call Robert Thorn and tell him that  
16 . . . that she was not . . . I mean they are paying for her and . . . and Chip says 'why would you do  
17 that?' and I said 'well there is a lot of procrastination here a lot of people is not doing their job  
18 she is not here doing . . . helping me' and Chip just goes 'what but that's the best we've got' its  
19 like yeah we can keep looking for something better not for somebody that I was going to be  
20 doing my job and her job and she's not going to be . . . and they just . . .

21 Q. Okay. Did, did you slam the door? Or did you just shut the door?

22 A. I slammed the door.

23 Q. Okay. Did they slam the door?

24 A. Yes.

25 Q. Okay. Would you describe your voice? Were you, was, was your voice elevated? Were  
26 you visibly upset?

27 A. Yes. Yes.

28 Q. Okay. With . . . with [REDACTED] and Felisha and with Denver or . . .

29 A. No. First, it was just at the moment. Then I went and talked to Denver and Chip and yeah  
30 my blood was still elevated.

31 Q. Okay. Sherry do you have any follow up on that?

32 **Examination By Ms. Butler:**

33 A. Uh-uh.

1 **Examination By Ms. Gillis:**

2 Q. Okay. Have you told Felisha not to talk to [REDACTED]

3 A. No.

4 Q. Why would she say that you have?

5 A. I don't know why she say that. She protect her friend right?

6 Q. Um . . . did you ever tell Felisha that you would talk to Don Dott?

7 A. I sent an email to Joyce Bender.

8 Q. Okay.

9 A. And Denver, telling them that. . .

10 Q. About?

11 A. About uh . . . um . . . them being loud and uh . . . I can't remember exactly what I said in  
12 the email but it was three sentence.

13 Q. Okay. Did you just do that once or . . .

14 A. That was just once.

15 **Examination By Ms. Butler:**

16 Q. Was the . . . was that email like the same day and time or like right around . . .

17 A. No that was the day after.

18 Q. The day after?

19 A. Yeah in the morning because um . . .

20 **Examination By Ms. Gillis:**

21 Q. You sent it to Denver and to . . .

22 A. Uh . . . Joyce Bender.

23 Q. Joyce? But you . . . you don't recall saying that . . . do you recall saying that to Felicia?

24 A. No I nev . . . I would never say anything to anybody that is not talk to anybody. It's not  
25 my job not my problem.

26 Q. Okay did you ever tell Felisha that uh . . . tell . . . point out to her that [REDACTED] was a  
27 contractor and could lose her job?

28 A. She was there when we talk and I told her that yeah you could lose your job if you're not  
29 doing what you're supposed to be doing.

1 Q. Was it just that one time or was there any other time that you said . . .

2 A. No it was just that one time.

3 **Examination by Ms. Butler:**

4 Q. Let me ask just a . . .

5 **Examination by Ms. Gillis:**

6 Q. Go ahead.

7 **Examination by Ms. Butler:**

8 Q. . . .clarifying question if you don't mind. Um . . . so this . . . this incident here this day  
9 that you're describing is this the first date that you'd had any conversations with Denver with  
10 regard to [REDACTED] performance?

11 A. Yeah.

12 Q. That's the first date? Okay. Uh . . . I was just um . . .and the reason why I ask that is  
13 because I'm curious um . . . you were telling [REDACTED] or saying making the statement that she could  
14 lose her job but you hadn't had any conversations with Denver that would've indicated that she's  
15 in jeopardy of losing her job.

16 A. Well . . .

17 Q. I'm just curious why you felt like that was your place to say that?

18 A. After I came back from Texas in February um . . . Denver just . . . just took and went his  
19 own way and before then I will talk to Denver and tell him you know this is what it is to be done  
20 this is how you do it you know and if he got an email saying we were going to do this he will  
21 talk to us first and then he will you know get something right and send an email to us of how to  
22 fix the problem. Um . . .after I came back, that started stopping a little bit and uh . . . and then I  
23 stopped helping him in the way that I was doing it before. Before I was going to his office and  
24 tell him 'here this is what you need to do, this isn't what you need to write, this isn't the one you  
25 need to send, this is not the people you need to contact. After that, I just did everything from my  
26 office putting everything on documentation. Telling him . . .

27 Q. Umm hmm.

28 A. . . .oh that how he needs to do it and uh . . . and then still he will compose another email  
29 he will not forward my suggestion or my . . . he will just compose his own words up. I mean to  
30 me that's not a problem I . . . the job is . . .

31 **Examination By Ms. Gillis:**

32 Q. That happens with your boss sometimes . . .

33 A. . . . gets done.

1 Q. I mean I have people . . . I have people

2 A. Okay.

3 Q. . . .that I . . . that I (inaudible) to my subject matter experts that I have to do the  
4 communication. I understand.

5 A. Right.

6 Q. Go ahead.

7 A. So um . . . then uh . . . I start you know going to help people I mean uh . . . if I go to the  
8 tower, Denver will send an email uh . . . or uh . . . yeah he send me an email asking me where  
9 was I? I'm like . . . and so I start feeling that I was being persecuted.

10 Q. Okay.

11 A. So I start collecting information of evidence of uh . . . just for my own sake because I  
12 feel I was being persecuted and I was the one that was working and there is a lot of employees in  
13 there that are not working.

14 Q. Did that answer your question Sherry?

15 **Examination By Ms. Butler:**

16 Q. Um . . . yeah I think so but let me just verify um . . . so the . . . if I understood this  
17 correctly when you came back from the training, which earlier I believe you said was at the end  
18 of February, early March, um . . . two, two prominent things had changed - one, Denver um . . .  
19 was . . . or you . . . you started to just email him language of guidance that needed to be given out  
20 rather than going in his office?

21 A. Right.

22 Q. So why did that change? I mean, what was the reason for um . . . your . . . you . . . that  
23 sounds like that's a change that you made?

24 A. No, that wasn't a change that I made that was something that I saw the that he . . . I don't  
25 know . . . I don't know how he went . . . how, how he changed . . . it was like um . . . I don't  
26 know if it was . . . I don't know why he . . . that happened it just started happening.

27 Q. Okay.

28 A. So I start making a decision that okay fine I don't . . . they don't want me to . . . in that  
29 office or . . . they start putting me away from meetings and stuff. You know? And . . .

30 **Examination By Ms. Gillis:**

31 Q. They're not including you in meetings?

32 A. They were not . . . yeah in conversation and meetings and stuff like that and it was like . .  
33 . because . . . probably because I didn't agree with what they wanted to do and I was . . . I mean



1 we work for the people for E.E.C. and P.P.C. right and not . . . and they're not just G.A.P.S. so I  
2 asked Beth also G.A.P.S. here uh . . . they can stuff that he was helping people more than. . .

3 Q. Okay.

4 Q. You good?

5 **Examination By Ms. Butler:**

6 Q. Yeah.

7 **Examination By Ms. Gillis:**

8 A. It's kind of hard when uh . . . I don't have enough English to express myself the way I  
9 wanted to.

10 Q. You just have a few more and then I'm cool. We'll be done so . . . um . . . and this kind of  
11 ties to the meetings because . . . one thing that is very clear to me is something happened in that  
12 office around spring of this year. I mean from what you're telling me you felt that there was a  
13 distance from you and that you weren't being as included. Correct?

14 A. Right.

15 Q. Okay. According to your co-workers—and this was everyone—and . . . and I would like  
16 to point out that um . . . regardless of—I know there are some serious things being said here—  
17 they all expressed concern and claim that something changed in you—in the spring. Uh . . . they  
18 claim that you became very difficult to work with that you became moody, you became  
19 withdrawn; they, they all claim this. And could sometimes become confrontational. Um . . . all of  
20 them claim that even um . . . the one person who claims that they did not witness any  
21 inappropriate behavior was Martina and even Martina expressed that she became very concerned  
22 for you. That you changed in March. Um . . . if I'm hearing correctly from you um . . . your . . .  
23 your reasoning is, is because of um . . . being excluded?

24 A. No.

25 Q. Is that what you're saying or is it personal?

26 A. Well, I didn't change.

27 Q. Okay.

28 A. I applied for a job.

29 Q. Okay.

30 A. And I told everybody there that I was going to apply for a job and I was going to go and  
31 that's when everybody started not . . . Denver . . . and she . . . and I don't know if [REDACTED] . . . but  
32 they start . . . probably started thinking that if I were . . . if I'm gone they have to do something  
33 about it right? So they probably thought that by just learning their own way they would probably  
34 solve that problem.

1 Q. Okay. So you feel it's because they think . . . because they thought you were leaving?

2 A. Probably.

3 Q. Okay. Um . . . and I don't want to . . . and I'm a little bit ahead of myself cause I have a  
4 couple other questions but that door kind of opened a moment ago the way the conversation  
5 went. Um . . . one thing I would like to . . . would like to talk to you about is . . . and I'm not  
6 asking you for details I don't want to pry into your personal business but they all felt like there  
7 were some, some personal problems that you had going on in your life. Is that true?

8 A. Yes I was having . . .

9 Q. Okay. Again, I don't. . .

10 A. Umm hmm.

11 Q. If you want to tell me you can tell me whatever you want but I'm not asking. My point in  
12 saying that has anyone offered KEAP to you?

13 A. Offered what?

14 Q. KEAP.

15 A. No, no, no.

16 Q. Our employee assistance program.

17 A. No, nobody in here anything until I got this.

18 Q. Okay.

19 A. Yeah and I did want to talk about . . .

20 Q. [REDACTED]

21 A. [REDACTED]

22 Q. [REDACTED]

23 A. [REDACTED]

24 Q. Okay. Cause that is a program that's available to you for whatever it is that's personally  
25 going on in your life. And you . . . we all have things happen I understand that uh . . . so I wanted  
26 to make sure that you did take you know . . . knew about it. I knew it was in the letter but I didn't  
27 know if anybody had sat down and explained to you what our employee assistance program is.

28 A. No, no, never.

29 Q. [REDACTED]

30 A. [REDACTED]

31 Q. [REDACTED]

1 A. [REDACTED]  
2 Q. [REDACTED],  
3 A. [REDACTED]  
4 [REDACTED]  
5 Q. Okay. Well they . . . you know it is a service that you know if uh . . . your supervisor or  
6 co-worker can refer you or you can refer yourself um . . . if you know . . . they range from  
7 everything to uh . . . any kind of substance problem any kind of um . . . marital problems,  
8 personal problems, depres . . . anything that could be going on . . . and again I'm not . . . I'm just  
9 telling you that they can refer you if you go on the first visit if you go on state time which you're  
10 totally on state time right now because you're on paid leave and then uh . . . then I believe it  
11 transfers over but that is a service that's available so I just . . . I wanted to go on and . . .  
12 A. Okay.  
13 Q. . . . get that out. Um . . . have you ever, have you ever called any of your employees . . . I  
14 mean can you think of any of your behaviors that would make people think that you were angry  
15 at them or questioning their work?  
16 A. Not really . . . I mean.  
17 Q. Okay. I mean . . .  
18 A. I can understand yes I was uh . . . because of my personal problem I was having more  
19 difficult . . . difficulty communicating with people that uh . . .  
20 Q. Okay.  
21 A. And it was more in there because in that building people don't work they go and talk  
22 about guns they go and talk about politics, they go and . . . do anything but work. There are few  
23 of us that did work in that office and I'm not just talking about G.A.P.S. but nature preserve as  
24 well . . .  
25 Q. Okay.  
26 A. . . . and I don't want to talk about nature preserve really and cause . . .  
27 Q. Okay.  
28 A. . . . it's not . . . I can talk about G.A.P.S.  
29 Q. Okay.  
30 A. O.I.S.  
31 Q. So all of your co-workers pretty much that I spoke with say that you . . . you basically . .  
32 . the meetings that you would be very combative in meetings. Do you know what they mean by  
33 that?

1 A. They schedule a meeting every week.

2 Q. Okay.

3 A. And it was a waste of time. Thirty minutes of the time they talk about personal stuff and  
4 I didn't want to hear . . .

5 Q. Okay.

6 A. . . . I just have to go and have to do my job I have . . . I'd been working not just for my  
7 you know . . . my job but we lost people in the transition. We lost uh . . .

8 Q. The C.O.T.?

9 A. Programmers . . . programmers and those positions were you know . . . given to someone  
10 else I don't know. Uh . . . but I inherited all those other jobs when Marvin left I you know . . . I  
11 kept doing what he was doing. When Denver wasn't there I just kept doing what he was doing  
12 and never. . . when Denver . . .

13 Q. When who . . . who left the . . .

14 A. Marvin.

15 Q. Marvin Terry.

16 A. Yeah.

17 Q. Okay I didn't understand what you said, sorry. Go ahead.

18 A. Yes. When he left, I had to inherit what he did. When Sandy left you know?

19 Q. Umm hmm.

20 A. All this stuff that I did and I . . .

21 Q. Okay. So what could've happened in these meetings to make them think you were being  
22 very combative? What kind of behaviors?

23 A. I thought it was a waste of time.

24 Q. So you did . . .

25 A. Yeah.

26 Q. . . . you spoke out and said that?

27 A. Yeah. If they scheduled a meeting for an hour every week it's not necessary. They can  
28 start . . . they can do a meeting every two weeks just like they did before; they did every two  
29 weeks and it still wasn't . . .

30 Q. Okay. But may I ask you a question?

1 A. And then from . . . it went from because of those conversations went away from me  
2 because I shouldn't have but. . .

3 Q. Would you agree with me that Denver as the director it's his call on the frequency of the  
4 meetings?

5 A. Yes.

6 Q. Okay.

7 A. But when you are going to talk about personal matters and not the issue . . .

8 Q. Okay.

9 A. . . . and that really the issue of the meeting will take fifteen minutes or less . . . yes.

10 Q. So you don't disagree that you were . . .

11 A. Yeah no I don't disagree . . .

12 Q. . . . dismissive in the meetings you think that they're accurate on that? That you were . . .

13 A. They can schedule the meetings the week they wanted but I was just my concerned that I  
14 have other things to do that I could done.

15 Q. Okay. Um . . . so I was going to ask you this but you kind of answered this on your own  
16 earlier. You do have camera's in your office?

17 A. Yes.

18 Q. How many cameras do you have in your office?

19 A. Three.

20 Q. Can you tell me why you have cameras in your office?

21 A. They're dummy. They don't do anything. They're just because I have a lot of stuff in  
22 there. If I leave my . . . I have uh . . . I have several laptops you know . . . several computers. I  
23 have the . . . the iPad and . . .

24 Q. They were not recording?

25 A. Nah.

26 Q. Okay. Um have you ever made comments to people that would make them think they  
27 were recording while you were gone?

28 A. Yes.

29 Q. Why would you do that?

30 A. It was funny.

1 Q. Can you understand why that might intimidate someone? To be thinking they're being  
2 recorded?

3 A. But they would . . . they . . . they're not even connected to anything because I . . .

4 Q. Okay. But my question is if I . . . if someone were to look at someone and let them . . .  
5 lead them to believe that they're . . .

6 A. That was just . . .

7 Q. . . . being recorded.

8 A. Yeah but uh . . . I was just having those just . . . to keep them from my office.

9 Q. To do what?

10 A. To keep them from my office. Not to . . .

11 Q. Okay well I . . .

12 A. . . . touch or steal something. There are a lot of people that comes and go there.

13 Q. What would you . . . what would you be concerned that they were doing in your office?

14 A. Stealing the iPads or the . . .

15 Q. Are those not under lock?

16 A. No. They're just sitting there in the desk.

17 Q. Okay. Do you have a reason to believe somebody would steal an iPad there?

18 A. There is not only employees that come into that office and several . . . and one time . . .

19 Q. Umm hmm.

20 A. . . .uh . . .one employee gave her son the combination for the code I was concerned that  
21 . . .

22 Q. You're talking about Kim?

23 A. Yes.

24 Q. Okay. And that was addressed I believe Denver redressed that correct?

25 A. Because I . . .

26 Q. Okay.

27 A. . . .told them to address that or no?

28 Q. Okay. So if there are security concerns about iPads laying around things that could be  
29 stolen did you make Denver aware of that?

1 A. Um . . . I'm not I don't remember.

2 Q. Okay.

3 A. But it's possible that I did.

4 Q. Okay. So I will go on and tell you when you go back to work uh . . . or uh . . . I don't  
5 know what the outcome of all this is but the camera's need to come down.

6 A. Yes.

7 Q. Okay? Um . . . so let's talk about um . . . again I've told you I've talked to a lot of people  
8 and that I needed to talk to you um . . . based on some of the things that you've said today I  
9 might need go back and talk to some other people. Um . . . we will address this by um . . . I  
10 believe that it will be completed . . . it will definitely be completed . . . concluded by December  
11 14. Um . . . but I want to talk about the future um . . . um . . . if you return to work there how do  
12 you envision you and [REDACTED] being able to work together in the future after all this has happened?

13 A. Actually I . . . I start looking for a job I don't know if you went into my stuff in my  
14 office I have stacks of jobs that I apply for.

15 Q. Okay.

16 A. And I got one of the jobs and uh . . .

17 Q. Oh you've got a new job?

18 A. Yes. Well I'm not working right now but uh . . . I was told that I need to talk to you and  
19 get a transfer.

20 Q. Okay. Where are you planning on going?

21 A. C.O.T.

22 Q. C.O.T.?

23 A. Yes.

24 Q. Okay. When are you planning on going there?

25 A. Um . . . I told them December 1.

26 Q. Okay.

27 A. Cause I needed to talk to you first.

28 Q. Well here's what I need from you . . .

29 A. Umm hmm.

30 Q. . . . in order to make that happen. I need a letter from you or a note you can actually if  
31 you want to write it on a piece of paper just saying that you've accepted a position. Tell me  
32 where in C.O.T. and the date that you're, you're ready to go.

1 A. Yeah because I thought about it . . . if they don't want me there if Denver and (inaudible)  
2 . . . that's when I start looking for a job um . . . applied for a database analyst I.T. position.

3 Q. Okay.

4 A. With C.O.T. and they need you to talk to Kim Mitchell.

5 Q. Kim Mitchell?

6 A. Yes.

7 Q. Okay.

8 A. Finances HR.

9 Q. I know her.

10 A. 502-564-7235

11 Q. Okay. Um . . .

12 A. And they need a uh . . . letter. . . uh . . . for a lateral volunteer transfer.

13 Q. Okay. So it's a . . . its same grade same grade?

14 A. Yes.

15 Q. Okay. So in order to make that happen . . . I can make that happen because it sounds like  
16 you don't want to go back here anyway.

17 A. I wasn't . . . I was looking for a job anyway . . .

18 Q. Right.

19 A. . . . already. Um . . . and because I mean I wasn't happy anymore.

20 Q. I understand.

21 A. I . . . I . . .

22 Q. I understand.

23 A. I felt that uh . . . the office wasn't um . . . going the direction of my goals and . . .

24 Q. Okay. Then what I need from you . . . and again if you want to just write it out . . . I need  
25 you just to tell me that you've accepted this position and that you will be transferring—don't say  
26 resigning cause you're not resigning— . . .

27 A. Right.

28 Q. . . .as a new one employer. . .

29 A. Correct.



1 Q. . . . that you'll be transferring and the date that you want to transfer. Do you want to do  
2 that?

3 A. No. Let me . . . I'll send an email or . . .

4 Q. Okay. Um . . .

5 A. . . .talk to . . .

6 Q. . . . if you will send me an email you . . . you know I'm [lynn.gillis@ky.gov](mailto:lynn.gillis@ky.gov). Um . . .

7 A. Could you write it down for me?

8 Q. Sure.

9 A. This is not for me to . . .

10 Q. You got something for me to write on? You want me to just . . . here I'll just write it  
11 here and give it to you. But uh . . .before uh . . .I don't . . . I want to go back to something too.

12 A. Yes.

13 Q. Um . . .

14 **Examination By Ms. Butler:**

15 A. I had a couple more questions that . . . (inaudible) . . follow up.

16 **Examination By Ms. Gillis:**

17 Q. Which . . . I'll let Sherry finish up those questions and then I'll move on with what I  
18 wanted to close with.

19 **Examination By Ms. Butler:**

20 Q. Okay. So um . . .

21 A. Thank you.

22 Q. . . . and this is . . . this is . . . I don't remember exactly what you said. But you had talked  
23 about that you started monitoring people's work or lack of productiveness, procrastination. In  
24 what other manners besides link were you doing that?

25 **Examination By Ms. Gillis:**

26 Q. That's actually where I was going. Uh . . .

27 **Examination By Ms. Butler:**

28 A. Oh, okay.

29 **Examination By Ms. Gillis:**

30 Q. Whatever . . .

1 A. Umm hmm.

2 Q. . . . you had mentioned earlier . . . and I think . . .

3 A. That . . . that . . . that was . . . yeah.

4 Q. . . . I kind of stopped and I said let's go back and get these questions done. You indicated  
 5 that there are individuals in that office that don't work. You indicated that there was  
 6 (stuttering)—I can't talk—non-productivity; uh . . . things that concerned you. Uh . . . in order to  
 7 completely do what I need to do you know . . . my job isn't just to answer the . . . I mean if you  
 8 have that I want whatever allegations you have so that I can completely look at everything.

9 A. Correct.

10 Q. So whatever you have that's . . . that makes you feel that way in order for us to look into  
 11 that and address that we need to know the details of it.

12 A. Right. Um . . . unfortunately uh . . . I was thinking a way on how to get that done . . .

13 Q. Umm hmm.

14 A. . . . and I was going to start recording videos but . . . because that was the only way that I  
 15 could prove myself and um . . . from people not doing their work.

16 Q. Okay.

17 A. But . . .

18 Q. Have you done that?

19 A. No.

20 Q. So do you have . . .

21 A. I was going to start.

22 Q. Do you have anything you can give me to substantiate that? That what you're saying?

23 A. Hmmm . . . no not really I mean I can't prove that . . . that is . . .

24 Q. Okay.

25 **Examination by Ms. Butler:**

26 Q. I do have a follow up question to that. Um . . . with regard to the . . . along the same lines  
 27 of your concerns with people not working um . . . had you gone to any of your co-workers and  
 28 you know . . . questioned them about how long they were on breaks, how long they were gone  
 29 for break?

30 A. No.

31 Q. Kim?

- 1 A. No.
- 2 Q. Louise?
- 3 A. No.
- 4 Q. Chip?
- 5 A. No.
- 6 Q. Anybody?
- 7 A. Uh . . .
- 8 Q. Besides [REDACTED] and that . . .
- 9 A. Chip.
- 10 Q. . . .incident that you. . . .
- 11 A. Chip and Denver have the same, same date that I went and talk, that fifteenth. Yeah I
- 12 told Chip and Denver that I was doing that uh . . .
- 13 **Examination By Ms. Gillis:**
- 14 Q. Okay. Okay. Well I will tell you that in order to look into it I got to have something so . .
- 15 .
- 16 A. Right. Yeah.
- 17 Q. If you have something you want to give me; if you think of it after you leave here today.
- 18 A. Umm Hmm.
- 19 Q. I still want you to . . . to forward it to me. Um . . .um . . . I need to uh . . . kind of go over
- 20 what we've, what we've talked about and go back over these notes and see where uh . . . if we
- 21 need to re-question anybody and um . . . obviously um . . . we'll be back in touch with you.
- 22 **Examination By Ms. Butler:**
- 23 Q. I do have a um . . . question; we didn't talk about it but it was something that um . . . was
- 24 brought up. With regard to um . . . your working relationship with [REDACTED] you all were assign . . .
- 25 you were physically in the same office?
- 26 A. Yes.
- 27 Q. Okay. Um . . . at what point did you all change offices?
- 28 A. Uh . . . that was after I came back from that so my thinking
- 29 Q. Umm hmm.

1 A. . . . that what happened was while I was away that she start receiving visits from um . . .  
2 Brian Yahn—he's an (inaudible) —and Felisha Hubbard uh . . . in the office. When I returned  
3 back sh . . . Felisha and Brian start stopping by several . . .

4 **Examination By Ms. Gillis:**

5 Q. Brian who?

6 A. Brian . . .

7 **Examination By Ms. Butler:**

8 Q. Yahn

9 A. Yahn. Y-A . . .

10 Q. Brian Yahn.

11 A. . . .H-N.

12 **Examination By Ms. Gillis:**

13 Q. Yahn, ohh okay.

14 **Examination By Ms. Butler:**

15 A. Yeah, he works over at nature preserve.

16 **Examination By Ms. Gillis:**

17 Q. Yeah. Right.

18 A. And I just . . . when they come I just . . .they start talking and they start trying to talk to  
19 me and I'll say I don't want to talk I'm just busy working in here.

20 Q. Umm hmm.

21 A. And that's when um . . . before in my office I have . . . it's like . . . that . . .this is where  
22 my desk is . . .

23 Q. Umm hmm.

24 A. And this is where the little desk is where . . . this is the door . . .

25 Q. Umm hmm.

26 A. And I had two monitors here . . .

27 Q. Umm hmm.

28 A. . . . and I have two other monitors here. After I came back because I didn't want to see  
29 her or looking at what she was doing I put two more monitors there just to keep me away from . .

30 Q. As a screen?

- 1 A. Right. As a block for me to do what I'm . . . what I was supposed to do and not being  
2 distracted.
- 3 Q. Well let me ask . . .
- 4 A. And then she asked uh . . . she asked to be moved.
- 5 Q. Yeah and that's one thing that I did not ask you that I probably should have that I'll go  
6 back to real quick. According to her she tried to move once before she actually moved. Do you  
7 recall that?
- 8 A. Hmm . . .
- 9 Q. She . . .
- 10 A. Yes.
- 11 Q. Okay.
- 12 A. Yes.
- 13 Q. Can you tell me what happened in that situation?
- 14 A. Uh . . . she had a laptop.
- 15 Q. Okay.
- 16 A. And we were afraid that the laptop was going to get stolen.
- 17 Q. Okay.
- 18 A. And I'm a (inuadible) about that.
- 19 Q. Do you remember um . . . according to what I was told—according to [REDACTED] . . .
- 20 A. Umm Hmm . . .
- 21 Q. . . . C.O.T. was moving her and you moved her back? Do you remember that?
- 22 A. No.
- 23 Q. Okay.
- 24 A. C.O.T. was moving her?
- 25 **Examination By Ms. Butler:**
- 26 Q. Okay. So did she move out of the office . . .
- 27 **Examination By Ms. Gillis:**
- 28 Q. Umm hmm . . .
- 29 **Examination By Ms. Butler:**

1 Q. . . once and then move back into your office?

2 A. No.

3 Q. Okay.

4 **Examination By Ms. Gillis:**

5 Q. Okay.

6 A. What happened was I told Denver that she needed to be moved and . . . temporary  
7 because the space wasn't ready . . . need to be move her in his office and he didn't want that.

8 Q. Okay. She did not mov . . . you don't recall her moving . . . do you recall her moving into  
9 a different office other than . . . by herself? Before this . . .

10 A. No.

11 Q. . . before the um . . . was it a May move that happened? Something like that?

12 A. Nah I can't . . . I don't remember when but no I don't (inaudible) . . .

13 Q. Okay. Okay.

14 **Examination By Ms. Butler:**

15 Q. Okay. So you and Denver . . . let me make sure I understood . . . understand this  
16 correctly.

17 A. Umm hmm.

18 Q. So you and Denver had a conversation that she needed to move into his office. Why?

19 A. Temporarily.

20 Q. Why?

21 A. Before we uh . . . get the place ready.

22 Q. To where her permanent office would be?

23 A. Correct.

24 Q. Okay. So did she move to that temporary office?

25 A. No. Denver didn't want.

26 Q. Okay. So what is the concern then with the laptop?

27 A. That it was going to be stolen. In there not only G.A.P.S. they also . . . other uh . . .

28 Q. Stolen from where?

1 A. From the office. From uh . . . from my office I don't . . . I . . . okay there are employees .  
2 . . not employees . . . there are . . .

3 **Examination By Ms. Gillis:**

4 Q. Are you talking . . . .

5 **Examination By Ms. Butler:**

6 A. Like trainee . . .

7 **Examination By Ms. Gillis:**

8 Q. Are you talking about the people who come for training?

9 A. No. There are people from Nature Preserve . . .

10 Q. Umm hmm.

11 A. . . .that are temporary. . . .

12 **Examination By Ms. Butler:**

13 Q. Oh. Okay.

14 A. . . .temporary (inaudible) that wouldn't even know so I was afraid that they were going  
15 to you know . . . or people like Kim's son or Louise's son or . . .

16 **Examination By Ms. Gillis:**

17 Q. Whose son?

18 A. Louise.

19 Q. Okay.

20 A. I mean they just come and . . .

21 Q. Okay.

22 A. . . . I just don't know.

23 **Examination By Ms. Butler:**

24 Q. Okay. So I . . . I'm still confused on what the concern about her laptop being stolen . . . if  
25 she was in your office . . .

26 A. Because it wa . . . it is right there; the door is right here and the desk uh . . .is not that big  
27 but it looks like it's that big—is right here.

28 Q. Okay so you're . . .you were concerned about her laptop being stolen from your office?

29 A. Yes. Or any of my equipment—or any of mine. I have . . .

1 **Examination By Ms. Gillis:**

2 Q. So what does that . . . how does that tie to her going to another office I think is that what  
3 you're confused on?

4 **Examination By Ms. Butler:**

5 Q. Yeah that's what . . .

6 **Examination By Ms. Gillis:**

7 Q. Yeah.

8 **Examination By Ms. Butler:**

9 Q. . . I'm confused about. My question was at what point did [REDACTED] move out of your office?

10 A. It was I don't . . . I don't remember exactly when was it but it was after I came back from  
11 that training in Texas.

12 Q. You . . .

13 A. And . . .

14 Q. Go ahead I'm sorry.

15 A. Yeah and in order to move her if she wanted to move she was going to move to this  
16 place and this place wasn't ready.

17 Q. Umm hmm.

18 A. And so I ask Denver if we can move her . .

19 **Examination By Ms. Gillis:**

20 Q. Over to him?

21 A. . . . over to him temporarily instead of leaving . . .

22 Q. Okay. So before she moved to that office that the . . . that wasn't ready I believe that's  
23 nature preserves office and she moved in there.

24 A. Yes. They come . . .

25 Q. Before that move did she attempt to move before that out of your office?

26 A. I don't remember. I don't think so.

27 Q. Okay. That was my question.

28 A. Yeah.

29 **Examination By Ms. Butler:**



1 Q. Okay.

2 A. Okay. Alright. Thank . . .

3 **Examination By Ms. Gillis:**

4 Q. Does that clarify it for you Sherry?

5 **Examination By Ms. Butler:**

6 Q. Yeah it does I was just trying to connect how the laptop concern . . .

7 **Examination By Ms. Gillis:**

8 Q. Right.

9 **Examination By Ms. Butler:**

10 Q. . . . was . . . how that related to my. . .

11 **Examination By Ms. Gillis:**

12 Q. Okay.

13 **Examination By Ms. Butler:**

14 Q. . . . question and if it doesn't . . .

15 A. Yeah that . . . when they wanted to move it was . . . they wanted to move . . . I don't  
16 know why she wanted to move so quickly. Right?

17 **Examination By Ms. Gillis:**

18 Q. Umm hmm.

19 A. But I assuming it because she started getting visitors and she wasn't comfortable with me  
20 putting those two—three monitors in there and her doing her homework and doing snapchats or  
21 other stuff not work related.

22 Q. Okay. So . . . you have anything else Sherry?

23 **Examination By Ms. Butler:**

24 Q. Um . . . no I don't think so.

25 **Examination By Ms. Gillis:**

26 Q. So before we conclude there was um . . . and you've kind of thrown a curve at me cause  
27 I didn't realize that you had accepted another position. Uh . . . so this talk is going to be a little  
28 bit different because uh . . . but I still have to have it. Uh . . . we obviously you know . . . if we . .  
29 . if you're transferring we'll facilitate your transfer as soon as I get that communication from  
30 you.

1 A. Right.

2 Q. Uh . . . we will wrap up whatever we need to wrap up with this as quickly as we can  
3 cause we kind of have to wrap this up before we can do that.

4 A. Right.

5 Q. Um . . . that being said um . . . if you've accepted this position um . . . you probably will  
6 just be going straight to C.O.T. Um . . . the conversation I wanted to have with you was about  
7 retaliation.

8 A. What is that?

9 Q. That's what we're going to talk about. Um . . . when someone makes an . . . a complaint  
10 such as sexual harassment and um . . . she has the right to make that complaint; that is her right. I  
11 understand that your story is different but uh . . . no matter what the outcome whether its proven  
12 or its not proven uh . . . when someone comes back from something like that or some . . . and  
13 once a complaint like that . . . we have a very transparent . . . people are allowed to complain and  
14 we have a very . . . its written in that policy . . .

15 A. Umm hmm.

16 Q. . . . that there is to be no retaliation. Retaliation means getting even or picking on  
17 someone or being irritated with someone because they complained on you. Uh . . . for example if  
18 you did go back in that office um . . . it would be expected that you not retaliate against her, pick  
19 on her . . .

20 A. Oh.

21 Q. . . . or say things to her, be uncooperative with her, not . . . be refused you know . . .  
22 refused to um . . .

23 **Examination By Ms. Butler:**

24 Q. Work.

25 A. Work.

26 **Examination By Ms. Gillis:**

27 Q. . . . work with her . . .

28 A. Umm hmm.

29 Q. or anyone else that had . . . that made a complaint . . .

30 A. Right.

31 Q. . . . that was protected uh . . . likewise we would not tolerate them retaliating against you  
32 if you had made a complaint or because if you were, you were disciplined for something like  
33 this, retaliate . . .

1 A. Right.

2 Q. . . . when you came back. So while I don't think this is going to be an issue and its  
3 obviously much less of a potential issue being you are transferring to C.O.T. and you have  
4 accepted that job we are still one employer and as they work in the I.T. field and you work in the  
5 I.T. field as well there might be occasions that you all will still have to interact . . .

6 A. Correct.

7 Q. . . . somewhat. So I just wanted to give you fair warning for lack of a better word; a  
8 warning is a harsh word I don't mean it quite that harsh . . .

9 A. Right. Right.

10 Q. . . .but fair notice would be a better word . . .

11 A. Umm hmm.

12 Q. . . . that retaliation isn't tolerated. Um . . . the complaint was made, we looked into it . . .

13 A. It looks like more like that word it was against me because I told Denver . . .

14 Q. Again retaliation isn't tolerated period. So . . .

15 A. But that was the case. That's what I think they were trying to do . . .

16 Q. Okay.

17 A. That . . . trying to do something against me and . . .

18 Q. Okay. Well . . .

19 A. It's just not right.

20 Q. When I talk about retaliation I'm talking about it from an E.E.O. standpoint which is  
21 protected activity such as . . . you know sexual harassment um . . . retaliating against someone  
22 with ADA, all of those types of things. But, that being said again I think the fact that you . . . you  
23 know . . . you're moving to another office uh . . . this will be a lot easier for um . . . um . . . that . . .  
24 . this not to . . . the retaliation piece to not be an issue but I still wanted to talk to you about it.

25 A. Right.

26 Q. And I'm not saying I thought . . . I think you would do that. I'm not saying that at all.

27 A. Right.

28 Q. It's something I have to say to anybody in this type of situation. Okay?

29 A. Yes.

30 Q. Again if you think of anything to substantiate the claims that you've made that there's  
31 poor work performance going on I would welcome that from you and I will look into it. Um . . .  
32 but I have to have something in order to do that. So . . .

1 A. Right.

2 Q. Do you have any questions?

3 A. Um . . . no I just wanted to say that it . . . for me the work is more important than  
4 anything and you know . . . I thought I was going to retire in G.A.P.S.

5 Q. Okay.

6 A. But, things did start changing a little bit and uh . . . I wasn't being part of that team that I  
7 was before and I just start . . . I did start looking for another job

8 Q. And that's your right to look for another job. That's one of the nice things about state  
9 government, if you're unhappy somewhere for whatever reason there's other places that you can  
10 go. So um . . .

11 **Examination By Sherry Butler:**

12 Q. Let me ask you a question um . . . earlier you mentioned that you had talked to Leslie um  
13 . . . Tindle . . .

14 A. Yes.

15 Q. . . .with some concerns. Um . . .was that um . . .was that timing of when you talked to um  
16 . . . Leslie was that also regarding uh . . . the statement that you had on your link about you know  
17 . . . looking for another position or something. Was that at the same time?

18 A. No. That . . . it's a little bit different.

19 Q. Okay. I didn't know if it was . . .

20 A. That was more . . . that was . . .

21 Q. . . . part of the same incident or not.

22 A. Yeah no that was more with uh . . . change of Denver with me and why? You know . . .  
23 and I thinking probably was because I uh . . . apply for another job somewhere else out of state  
24 and um . . . that's when I think when things start changing really.

25 **Examination By Ms. Gillis:**

26 Q. Okay.

27 **Examination By Ms. Butler:**

28 Q. Okay.

29 **Examination By Ms. Gillis:**

30 Q. Alright, I'm going to turn this off. And the number that you gave me is the number I can  
31 reach you at?

32 A. No that's uh . . . Kim uh . . . that's Kim Mitchell's phone number.

1 Q. No. I meant the . . . I'm sorry . . .

2 A. Oh yes its 502-320 . . .

3 Q. . . . I can see why you thought that but this 564-7235 is Kim Mitchell . . .

4 A. Yes.

5 Q. . . .but again I can't do anything until I get something from you.

6 A. Okay.

7 Q. Um . . . I'm totally . . . I can't do a thing until I get a notice from you that you want to  
8 transfer.

9 A. Not . . . that's not what I was told.

10 Q. There's a form—a voluntary transfer form— . . .

11 A. Yes.

12 Q. . . . that you will have to fill out but the only thing . . . I can't just um . . . I can't just  
13 generate that form I have to have a notice from you that you intend to transfer to another agency.

14 A. Okay.

15 Q. That make sense?

16 A. That email says . . .

17 Q. Sure. Let me look at it. Well, it went dark on me hang on.

18 A. Oh.

19 Q. Okay I got it. And that's true we do have to fill out that form but I can't generate that  
20 form . . .

21 A. Until I send the email. . .

22 Q. . . . until you send me that email because that would be me like me involuntarily  
23 transferring you. Cause if you don't ask me for that transfer . . .

24 A. Okay.

25 Q. . . . if I tried to do it, it would be against your will.

26 A. Okay.

27 Q. It could be perceived that way.

28 A. Right.

29 Q. And so I can't do that without you telling me this is what you want.

- 1 A. Okay.
- 2 Q. Okay? And I will have to have you sign that form as well. Um . . . if you will email me .
- 3 ..
- 4 A. Umm hmm.
- 5 Q. . . . your request to transfer I will email back to you that form and you can sign it and
- 6 bring it to me. And I can . . .
- 7 A. Bring it ba . . . or can I scan it back or does it have to be . . . ?
- 8 Q. You can scan it back to me that's probably . . . that's quicker. You can scan it back to me
- 9 and then I . . . that will prompt me to get that moving.
- 10 A. Yeah.
- 11 Q. That work?
- 12 A. Yes.
- 13 Q. Um . . . I am going to turn this off. And I want to thank you for coming in. Um . . . uh . . .
- 14 know that uh . . . transportation for you right now is a little bit more difficult so . . . I have turned
- 15 this off.
- 16 A. I actually have my boot that . . .
- 17 **Examination By Ms. Butler:**
- 18 Q. Oh.
- 19 A. . . . that I can walk . . . I can walk.
- 20 **Examination By Ms. Gillis:**
- 21 Q. Oh. I have not turned it off.
- 22 **Examination By Ms. Butler:**
- 23 Q. I didn't even pay atten . . .